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MOSS LANDING COMMERCIAL PARK LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MOSS LANDING COMMERCIAL PARK
LLC,

Plaintiff,

v.

KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
CORPORATION, and DOES 1 through
100,

Defendants.

CASE NO. C07 06072 RMW/PVT

**PLAINTIFF'S STATEMENT IN LIEU OF
ITS RULE 26(f) REPORT**

As explained with more detail in Plaintiff Moss Landing Commercial Park, LLC's ("MLCP") Case Management Statement, filed herewith, defendants Kaiser Aluminum Corporation and Kaiser Aluminum & Chemical Corporation prevailed in the Bankruptcy Court for the District of Delaware on a motion to enforce an injunction and to compel MLCP to dismiss this lawsuit. However the bankruptcy court has not yet entered its order on this motion. When it does, MLCP will file a timely appeal and an application for a stay of this action. If the application for a stay is denied, MCLP will dismiss this matter without prejudice in accord with the bankruptcy court's order.

In light of the eminent dismissal or stay of this action, MLCP determined not to burden

1 this Court with unnecessary Rule 26 information and instead submits this statement.

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3 Dated: March 20, 2008

ROPER, MAJESKI, KOHN & BENTLEY

4 By: /s/
5 THOMAS H. CLARKE, JR.
6 TIMOTHY A. DOLAN
7 Attorneys for Plaintiff MOSS LANDING
8 COMMERCIAL PARK LLC
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